

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File Number EB-02-TP-525
)	
Pamal Broadcasting Ltd.)	NAL/Acct. No.200332700013
Owner of Antenna Structure Registration Number)	
1054493 in Cedar Key, Florida)	FRN 0005-8279-69
Latham, New York)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: January 8, 2003

By the Enforcement Bureau, Tampa Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find Pamal Broadcasting Ltd. (“Pamal”), owner of antenna structure #1054493 in Cedar Key, Florida, apparently liable for a forfeiture in the amount of three thousand dollars (\$3,000) for willful and repeated violation of 17.57 of the Commission's Rules (“Rules”).¹ Specifically, we find Pamal apparently liable for failing to notify the Commission of a change in ownership of its antenna structure #1054493.

II. BACKGROUND

2. On September 12, 2002, agents from the FCC Enforcement Bureau, Tampa Field Office (“Tampa Office”), inspected an antenna structure located at or near the geographical coordinates 29° 11’ 46’ North Latitude and 082° 59’ 45’ West Longitude, Cedar Key, Florida. The agents found no Antenna Structure Registration (“ASR”) posted at the site. The Commission’s ASR database showed Williams Broadcasting Co., DBA WRGO Radio Station as the registered owner of the structure at this location with assigned ASR number 1054493.

3. On September 24, 2002, the agent researched FCC Media Bureau records which showed that, during the year 2000, Radio Station WRGO changed ownership, and had the license transferred, from Williams Broadcasting Co. to Pamal Broadcasting Ltd.

4. On December 23, 2002, the Tampa Office received a fax from Pamal’s Comptroller stating that Pamal had acquired Radio Station WRGO, including the antenna structure #1054493, on December 15, 2000.

III. DISCUSSION

¹ 47 C.F.R. § 17.57.

5. Section 17.57 requires the owner of any antenna structure for which an Antenna Structure Registration Number has been obtained to immediately notify the Commission using FCC Form 854 upon any change in ownership information. From December 15, 2000, until at least September 12, 2002, Pamal failed to notify the Commission of a change in ownership of its antenna structure #1054493.

6. Based on the evidence before us, we find Pamal Broadcasting Ltd. willfully² and repeatedly³ violated Section 17.57 of the Rules by failing to immediately notify the Commission of a change in ownership of its antenna structure #1054493.

7. Pursuant to Section 1.80(b)(4) of the Rules,⁴ the base forfeiture amount for failure to file required forms or information (e.g. failure to notify the Commission of a change in ownership information) is \$3,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended (“Act”), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁵ Considering the entire record and applying the factors listed above, this case warrants a \$3,000 forfeiture.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁶ and Sections 0.111, 0.311 and 1.80 of the Rules,⁷ Pamal Broadcasting Ltd. is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.57 of the Rules by failing to notify the Commission of a change in ownership on antenna structure #1054493.

9. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, Pamal Broadcasting Ltd. SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

10. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch,

² Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful’, when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act” See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

³ The term “repeated,” when used with reference to the commission or omission of any act, “means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.” 47 U.S.C. § 312(f)(2).

⁴ 47 C.F.R. § 1.80(b)(4).

⁵ 47 U.S.C. § 503(b)(2)(D).

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. §§ 0.111, 0.311, 1.80.

Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced above. Requests for payment of the full amount of this NAL under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁸

11. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

12. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

13. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Technical & Public Safety Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC’s Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

14. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to Pamal Broadcasting Ltd., 6 Johnson Road, Latham, NY 12110.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow
Tampa Office, Enforcement Bureau

Attachment

⁸ See 47 C.F.R. § 1.1914.